

Filed for intro on 02/03/2000
SENATE BILL 3059 By
Cohen

HOUSE BILL 2993
By Turner (Shelby)

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4; Title 40, Chapter 28; Title 40, Chapter 35 and Title 41.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-424, is amended by deleting the section in its entirety and by substituting instead the following:

Section 39-17-424. In determining whether a particular object is drug paraphernalia as defined by § 39-17-402, the court or other authority making such a determination shall in addition to all other logically relevant factors consider the following:

- (1) Statements by the owner or anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of the owner or of anyone in control of the object for violation of any state or federal law relating to controlled substances;
- (3) The existence of any residue of controlled substances on the object;
- (4) Instructions, oral or written, provided with the object concerning its use;

(5) Descriptive materials accompanying the object which explain or depict its use;

(6) The manner in which the object is displayed for sale;

(7) The existence and scope of legitimate uses for the object in the community; and

(8)(A) Expert testimony concerning its use.

(B) No person shall be competent to testify as an expert in any court of law to establish the facts required to be established by this section unless the person resides in this state or a contiguous bordering state and possesses a specialized knowledge of drug paraphernalia which would make such expert testimony relevant to the issues in the case. This rule shall apply to expert witnesses testifying for the defendant as rebuttal witnesses. The court may waive this subitem when it determines that the appropriate witnesses otherwise would not be available.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.